

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

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AMERICAN WATERWAYS  
OPERATORS

Plaintiff,

v.

UNITED STATES COAST GUARD,

Defendant.

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No. 18-cv-12070-DJC

**DEFENDANT'S CROSS-MOTION FOR SUMMARY JUDGMENT**

Pursuant to Local Rule 56.1 and the Scheduling Order issued by this Court on April 25, 2019, Defendant United States Coast Guard hereby moves for summary judgment in this action. The grounds for the motion are set forth in the accompanying memorandum of points and authorities. The underlying facts are set forth in a Statement of Undisputed Material Facts filed with this motion.

Defendant respectfully requests that its motion be granted and that the Court deny Plaintiff's request for mandamus to compel agency action under 5 U.S.C. § 706(1).

**REQUEST FOR ORAL ARGUMENT**

Pursuant to Local Rule 7.1(d), Defendant requests oral argument on its motion for summary judgment, according to the Court's scheduling requirements.

DATE: May 31, 2019

Respectfully submitted,

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Deputy Assistant Attorney General  
Environment and Natural Resources Division

/s/ Luther L. Hajek

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*Counsel for Defendant*

OF COUNSEL:

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United States Coast Guard

**CERTIFICATE OF SERVICE**

I hereby certify that on May 31, 2019, I filed a true and correct copy of the foregoing document with the Court's CM/ECF system, which will generate a Notice of Filing to the attorneys of record.

/s/ Michael S. Sawyer  
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